

House Energy and Commerce Committee
Subcommittee on Oversight and Investigations Hearing:
“Internet Data Brokers and Pretexting: Who has Access to Your Private Records?”
June 21, 2006

Testimony of Mr. James Rapp

Chairman Whitfield, Ranking Member Stupak, thank you for inviting me to testify before the Subcommittee today. I appreciate this opportunity to briefly introduce myself and explain my former role in the data broker industry, and I ask that my full written statement be entered into the record.

My name is James Rapp, and I used to own and operate several companies in the data broker industry, including Touch Tone Information. Early during the 1980's, I was incarcerated for an auto theft in the Colorado State Penitentiary, where I discovered that I was adept at acquiring and providing information. Various inmates would come to me and ask to find their estranged girlfriends or wives, or something to that effect, and I would proceed to take their old disconnected phone number and acquire the new number and address for these men to make contact with.

One thing led to another and after I was released in 1982, I started working for various attorneys to provide them with process service as well as to provide them with the employment and banking information of the individuals that they had acquired judgments upon. During that time my business was known as “**Mile High Investigative Service**” and as such solicited private investigators in addition to the attorneys that we mainly worked for.

Things progressed fairly well until 1991 when my ex-wife Holly, left and I decided to downsize completely and went to Texas to work for a client in the city of Conroe. After a short time I met my everlasting wife, Regana and we started up our business again. We started out to contact our old clientele and arranged a cross country trip to do “Investigative Seminars” to teach (for a cost of course) the “how to’s” of acquiring information relevant to the private investigator realm.

We then moved to Florida, and from Florida we moved to Utah and then to Montana where we then decided based upon my father’s failing health to move back home to Colorado. The reason for all these moves was simple; most states required a license to do the investigative work that we were doing. One problem was that my felony conviction literally shot me out of the water with any chance to achieve a license in any state that we tried, except for good old Colorado.

During this time we went through many name changes – Phantom Investigation, Dirty Deeds done dirt cheap, Scanners, etc. The lasting name that we kept was Touch Tone Information, which was initiated once we returned to Colorado.

Our name as well as our success rate drew us national attention, along with working on such nationally known cases such as Bill Clinton and Monica Lewinski, Columbine and other atrocities, as well as various media celebrities and stars around the world. Our business was constantly changing, for we started out just working to locate the judgment debtors, but

wound up working for other information brokers throughout the country to provide the most current and up to date goings on of the media world.

During the 1990's, we were maintaining a staff of over 20 on site as well as anywhere from 5 to 15 people working from home. Our yearly billings were over 1 million for the years 1995 to 1998. Our quantity of clients exceeded 1,500 during our peak. During that time, we were contacted by such news shows as 20/20 and 60 minutes, all of which our counsel told us the best action was to say nothing about anything.

I felt good about the good work that we did do, for we assisted in the locating of many missing children as well as helping many of the bail bondsman to locate the ones that got away. During this time our clientele type was as follows:

- A. Attorneys**
- B. Private Investigators**
- C. Bail Bondsman**
- D. Information Brokers**
- E. Investigative contacts for news and media organizations**

Unfortunately, the more notoriety that we achieved, the more the press, both newspaper and T.V., we had on our heels to get whatever scoop they were chasing. The idea of pretexting or scamming someone on the phone has been around since the days of the old James Cagney movies.

I would teach our employees and clients if they wanted to learn, how to impersonate someone so that the person on the other end of the line would feel either sympathy or pressure, whatever it took for them to release to me the information that I needed. Anyone

can impersonate anyone else if they sincerely make an effort, the person or customer service representative on the other end of the line truly wants to help, (most of the time anyway) so I use that to my advantage and convince them that they need to give me certain specific data. This was how I achieved the majority of all my information, for back in the 1980's and early 1990's, the Internet was not that big into personal information.

During the time of the Bill Clinton and Monica scandal, we were contacted by the F.B.I, I believe from the Baltimore office. The agent wanted to know specifically who our client was that requested the information on why the White House was paying for Ms. Lewinsky's apartment as well as tracking down various cell phone and landline contacts of Ms. Lewinsky's. After review with our counsel, we made available all records to that case to the agent who specifically informed us that ***we were within the legal limits on all work that we were doing!***

Thus we continued on blindly believing that we were literally assisting good people with good information. This went on until the day that the Colorado Bureau of Investigation stepped through our doors and informed us that they had been tapping our lines and they believed that they had enough information on us for an indictment under the charge of Racketeering. Immediately, we shut our doors, having been advised by our attorney that we should – for why should we make the case against us any worse than it already was?

We left with a host of clientele still wanting their information on unsolved cases, as well as a healthy remaining balance in our “accounts receivable file.” During this time I was

featured on “Americas most wanted” as being the #1 con man in America, what a crock, if they only knew the truth I thought.

The truth was however that we never committed fraud in our own minds, for we never used the information to steal a single penny, but only used the information as a marketable product to sell and distribute.

This, we were informed, was a crime, and since we had done this so many times over the years, we (Regana & I) were both looking at doing serious time. The only solution according to our attorney was to cease all business activities including any additional efforts at collecting our own past due debts and to walk away clean.

This we did, for as it turned out the Lord literally freed up our time for my father got to the point with his cancer that we had to care for him full time at our house, where 4 months later he died.

The final disposition was only 30 days in work release along with 5 years probation – which was shortened to 3 years due to our sincere efforts at working elsewhere, not in our business, nor were we any risk whether flight, or criminal. Then later in 1999 after my dad died, the lot fell to us once again to care for my mother. We worked out an arrangement with her and her attorneys so that we could receive funds from the trust set up by my father’s departure which afforded us the time to care for her.

Earlier this year, the Colorado Bureau of Investigation again contacted me, but this time they wanted to know if I would sit down with your Committee's staff to discuss my former business, the ins and outs of how I achieved the information, and how I targeted my clientele. This I was more than happy to do, for I hold no animosity toward any law enforcement agency for our ouster of the investigative business.

I informed Mr. Brown from the "CBI" as well as your Committee's staff that I honestly feel that this business is a necessity in our world, and that as long as people get in debt, there must be people to help collect that debt.

In addition, the media will always want to know the latest scoop, whether trivially how drunk the young Ms. Bush got the night before or any information related to any newsworthy event.

The answer then is NO, the business will never cease, but you as being the governmental body that can affect the way things are accomplished, I can tell you that you are having an actual effect on how the investigative world is handling their affairs today.

This is occurring as we speak, for many data broker agencies that I have contacted over the past few months, have informed me that some information is getting tougher to achieve, due to the fact of the involvement of both state and federal authorities.

The customer service aspects of the Utility Companies such as Telephone, Electricity, Cable and Satellite, etc. are the only ones that can make or break most of these attempts to acquire the information – for without sources to acquire the information, the quantity of success will go drastically down.

While I personally do not advocate the elimination of either these investigative techniques or the agencies themselves, I must admit that many cross the line into the illegal realms, thus giving a bad name to all investigators.

As of the date of this letter, my mother is also in severe physical shape to the extent that she is presently in a nursing home and will be some coming to stay with us until the inevitable occurs.

These are the basic facts of my life from the time of my entrance to the investigative world in 1982 until the termination of Touch Tone in 1999. Thank you for your willingness to listen to me today, and I sincerely hope that my experience and knowledge in these investigative matters will be of help to you, to further understand both the good and the bad of my former business, the acquisition of information.

Sincerely,

James J. Rapp
Former director, Touch Tone Information network

P.S. Please note that I have submitted to the Subcommittee an original copy of my training seminar handbook. As an attachment to this testimony, I have included the following pages that outline the basic list of services that we provided to our clients during the operation of Touch Tone, and brief outlines of the ways that we utilized to acquire the requested information. I am happy to describe for the Committee any of the following methods for obtaining records and information.

Attachment A (Testimony of James Rapp, Outline of Training Handbook)

Landline telephone numerical investigations

The Local Carrier variations

1. Residential Repair
2. Business Repair
3. Residential Orders
4. Business Orders
5. Residential Billing
6. Business Billing
7. Yellow Pages assistance
8. Utilizing the CNL or CAN bureau of the Local telephone carrier
9. Learning the carrier's terminology, *Elmos, Orion, Boss, Premis* etc.

Utilizing the long distance carrier to obtain local information:

1. The infamous "*Quickcheck*"
2. 800 install assistance
3. Foreign speaking operator assistance

Cellular & Pager numerical investigations:

1. Determining the carrier
2. Identifying the local shop for both the Cellular carrier and the pager
3. Utilization of trap lines to identify pager ownership
4. Repair and sales of the Cellular company
5. Resellers, the worst nightmare
6. Use the "CAP" code on the pager for assistance, one office vs. another

Independent Voice Mail number investigations:

1. American voice mail, automated vs. verbal set up
2. Land line direct voice mail accounts

Toll Free & Remote call forwarded number Investigations:

1. Determining the carrier of the initial number
2. Acquiring the ring to number
3. Breaking the ring to number

International number breaks, Cellular and Landline:

1. Breaking down the number into a country and city, determining the language and time element
2. ATT Language line services
3. Determining the carrier and acquiring their direct dial numbers
4. Knowing your culture, varied holiday and other observances

Physical Location Investigations:

Non published address and telephone number investigation

1. Getting accurate information from directory assistance
2. Utilizing the non-published bureau of the local carrier
3. Getting all your source ducks in a row
4. Local cable company
5. Local gas and electric company, propane if rural area
6. Local newspaper company
7. Local water department
8. Trash service
9. County voters registration
10. County clerk & recorder, property, tax info etc.
11. Local area hospital records
12. Local video and grocery store information

13. Credit Card records
14. Reverse 911 assistance
15. Playing the game to determine the address on file with information, know the city info as well as numeric basics

Physical address break

1. Getting all your source ducks in a row
2. Local cable company
3. Local gas and electric company, propane if rural area
4. Local newspaper company, circulation & classified
5. Local telephone carrier, your only guarantee
6. Local water department
7. Trash service
8. County voters registration
9. County clerk & recorder, property, tax info etc.
10. Local area hospital records
11. Local video and grocery store information
12. Reverse 911 assistance

Telephone and Credit Card toll records investigations:

Landline toll record acquisition

1. Residential vs. Business
2. Knowing the subjects plan
3. Determining the breakdown of the bill (Custom calling features, etc.), using the local carrier to get to the long distance carrier.
4. Finding the long distance carrier, usage of "PIC" numbers
5. Calling the subject to acquire the long distance carrier
6. Acquiring the long distance carriers page numbers
7. Getting the true local calls, determining your subjects mileage radius
8. Avoiding the dogs of war, the operators noting the account
9. Putting them in a position where they cannot say "NO"

Cellular toll record acquisition

1. Determining the carrier
2. Knowing the subjects plan
3. Customer service vs. the local store
4. Picking up and faxing in
5. Internet usage acquisition

Credit Card statement acquisition

1. Determining the institution
2. Acquiring the statement without the card number
3. Customer service vs. Local bank
4. Getting the breakdown (date, merchant, time & location) then the charges

Governmental Investigations:

Social Security information

1. Going federal
2. Knowing your subject, what's your goal (SSN, Address, Banking, etc)
3. Acquiring the number to the local office, get names and address's
4. Knowing the terminology
5. Going local to federal
6. Going local to local
7. Credit headers
8. Creating confusion with similarities
9. Disability, Medicare, Medicaid & Benefit information
10. Utilizing the appeals section of the Social Security administration
11. Acquiring relative information

The Welfare system:

1. Food stamps
2. A.F.D.C. (Aid to families with dependent children)
3. County assistance
4. L.E.A.P. (Low income energy assistance program)

5. Public housing authority

Military information

1. The standard DD-214 form
2. Determining the whereabouts of any individual
3. Financial aspects, how much, where are the funds deposited or the check cashed
4. Utilizing the aggressive recruiter to do your search for you

Department of Immigration and Naturalization

1. Alien Identification information
2. Relative status
3. Current location and employment information

Post Office Box breaks, both public and private

1. Determining the type of box
2. Acquiring the names and address on file
3. Utilizing the forwarding information
4. The box clerk vs. the station manager
5. The postal inspector & the receipt of inappropriate materials
6. Getting the private MBE (Mail Box's etc.) to talk to you

Department of Motor Vehicle information

1. License plate information
2. VIN number information
3. Track down through the name alone
4. Going directly in
5. Station to station
6. Dealership and insurance information

Specialized Investigations:

1. Clientele List acquisitions
2. Medical history information

Employment information, both current and past

1. Who does the subject work for?
2. Telephone research vs. surveillance
3. Quantity of the paycheck
4. Self Employment: Determining where the funds are coming from

Financial Investigations:

1. Banking, both Individual and Corporate information
2. Various contacts with the subjects banking information
3. Contact of the subject directly
4. Brokerage house investigations
5. Individually owned stocks, bonds, mutual funds etc.
6. Real estate holdings